



# Virginia Department of Corrections

## Facility Security and Control

### Operating Procedure 435.4

#### *Extradition and Fugitive Unit*

**Authority:**

Directive 435, *Security Operations*

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**Access:**  Restricted  Public  Inmate

**ACA/PREA Standards:**

None

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Absconder** - A probationer or parolee, under DOC supervision in the community including Community Corrections Alternative Programs, whose whereabouts are no longer known to the supervising officer after reasonable efforts to locate.

**Escape** - Flight from confinement or lawful control of an officer even when on a status such as work release or furlough.

**Escapee** - An inmate who escaped from the DOC institution where the inmate was assigned or from outside of an institution while on work detail, bereavement visit, transportation, etc.

**Extradition** - The return of a fugitive to a state in which the inmate or probationer/parolee is accused or has been convicted of committing a criminal offense by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution. Probationers/Parolees not transferred through the ICAOS must be returned through the extradition clause of the U.S. Constitution (ICAOS Dispute Resolution 2-2004).

**Fugitive** - A person who is fleeing from custody or prosecution.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Organizational Unit Head** - The person occupying the highest position in a DOC organizational unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual Headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

**Transporting Officer** - A certified Corrections Officer who has received specialized training to handle inmates and probationers/parolees transported in public.



## PURPOSE

This operating procedure establishes the Department of Corrections (DOC) Extradition and Fugitive Unit's responsibility and authority in locating and apprehending escapees, absconders, and fugitives and coordinating and conducting interstate transportation of inmates and probationers/parolees and working with other law enforcement agencies by sharing information and resources to locate and apprehend any person that is wanted and eluding prosecution.

## PROCEDURE

### I. Authority and Responsibilities

- A. Extradition and Fugitive Unit (EFU) Officers will pursue an escapee and absconder once the original felony sentencing order and arrest warrant or indictment for the escape or probation and parole violation are received and on file with the DOC.
  - 1. The Detainer Unit, upon notification that an escapee or absconder was arrested out-of-state, will apply through the Governor's office for extradition when the Commonwealth's Attorney from the jurisdiction where the escape or abscond occurred does not extradite. If the Commonwealth's Attorney does extradite, the Detainer Unit takes no action.
  - 2. The Virginia Parole Board Post Release Unit will coordinate the extradition of a parolee upon notification that a parole violator has been arrested out-of-state.
- B. EFU Officers, upon receipt of written notification, is responsible for locating and coordinating the return of an escapee, probationer, parolee, post release and conditional release violators, and new inmates from an out-of-state facility to an in-state facility.
  - 1. EFU Officers conduct investigations to locate and apprehend violent, high risk, or high-profile absconders, and absconders assigned to fugitive status; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
  - 2. EFU Officers transport interstate corrections compact offenders from Virginia facilities to out-of-state facilities and from out-of-state facilities to Virginia facilities.
  - 3. The EFU is not normally involved in the transportation of juveniles for the Department of Juvenile Justice.
    - a. Upon special request to the Major of the Extradition and Fugitive Unit and on a carefully selected case-by-case basis, an EFU representative may join with Officers from the Department of Juvenile Justice to assist in the return of certain special problem youth.
    - b. The Major of the Extradition and Fugitive Unit will consult with the Deputy Director for Institutions before granting EFU Officers approval to assist.
  - 4. Sworn law enforcement officers permanently assigned to the EFU have the authority to arrest and recommit inmates and probationers/parolees to the place of confinement:
    - a. From which the inmate or the probationer/parolee was released or in which the inmate or the probationer/parolee would have been confined but for the suspension of their sentence or of its imposition,
    - b. For violation of the terms of probation, post-release or conditional release supervision, or parole, any probationer, person subject to post-release or conditional release supervision, or parolee as directed by the Parole Board or the Court, pending a hearing by the Board or the Court; see COV §53.1-145, *Powers and duties of probation and parole officers*.
- C. The Major of the Extradition and Fugitive Unit, with the approval of the Security Operations and Emergency Preparedness Administrator, maintains current detailed internal protocols for the transportation of fugitives. The internal protocols must at a minimum, cover the following:
  - 1. Transportation, Surface, and Air



2. Use of Restraints
3. Weapons
4. Rest Stops
5. Meals
6. Accidents
7. Escapes, Attempted and Actual
8. Sickness, Injury, or Death
9. Hostage Situations
10. Searches
11. Airline Travel, staff will not participate or earn airline frequent flyer miles offered by commercial airlines; see Operating Procedure 240.1, *Travel*.
12. Travel Credits, Reduced Rates, and Free Services; see Operating Procedure 240.1, *Travel*
13. Other areas as determined by the Security Operations and Emergency Preparedness Administrator or the Major of the Extradition and Fugitive Unit.

## II. Extradition and Fugitive Unit Staff Training

### A. Officers assigned to the EFU must be knowledgeable about:

1. Intrastate and interstate transfer procedures.
2. The criminal justice system and law enforcement methods, policies, laws, and procedures relating to escapees, absconders, fugitives, and interstate compact offenders.

### B. Officers assigned to the EFU must be able to pass a background investigation to obtain high level security clearance.

## III. Fugitive Transportation Field Assistance

### A. When the EFU requires field assistance to transport fugitives, the Major of the Extradition and Fugitive, Unit will request the Regional Administrator to designate the required Corrections Officers to comprise the transporting team.

### B. The transporting team must consist of at least two certified Corrections Officers, one of which must be in the rank of Sergeant or above or one sworn law enforcement officer. In addition, each transporting team member must:

1. Be approved by the Security Operations and Emergency Preparedness Administrator.
2. Be qualified to carry weapons and knowledgeable of current state issued weapons.
3. Have a valid Driver's License, without Court-ordered or administrative driving restrictions, issued by any state.
4. Be able to converse with the public.
5. Be willing to travel aboard aircraft.

### C. EFU Officers will assist the designated Corrections Officers in the planning of all overnight transport trips to ensure all state travel regulations governing meals, incidental travel expenses, and lodging are followed; see Operating Procedure 240.1, *Travel*.

## IV. Extradition and Fugitive Unit Travel

### A. EFU Officers travel not related to the transport of inmates and probationers/parolees must adhere to the travel requirements provided in Operating Procedure 240.1, *Travel*, and the Department of Accounts



(DOA) CAPP Manual Topic 20335 - Cardinal, *State Travel Regulations*.

- B. EFU Officers will adhere as closely as possible to the *State Travel Regulations* lodging and meal per diem rates; however, the nature and urgency of travel associated with staff job duties often require out-of-state travel and may necessitate lodging limits be exceeded.
- C. Travel Request Authorization Exemption
1. EFU Officers and Corrections Officers designated to assist EFU are exempt from submitting the *Travel Authorization Request\_240\_F1* prior to out-of-state travel and for travel-planning costs that exceed \$1000, when performing extradition duties.
  2. If lodging subsequently exceeds up to 150% of the lodging base rate the Captain of the EFU, or above, may grant initial approval by telephone, text, or email.
  3. Staff will document the initially approved exception request on the *Request to Exceed the Lodging Base Rate 240\_F2* and the *Travel Authorization Request\_240\_F1*, upon the conclusion of staff travel, for approval through normal channels and will submit Part-A of the *Travel Expense Reimbursement 240\_F6*.
- D. Travel Policy Exceptions
1. The EFU Officer in charge will pay for all expenses to include lodging for the accompanying Corrections Officers and meals for the inmates or probationers/parolees.
    - a. EFU Officers and the accompanying Corrections Officers have a maximum of a full day meal allowance for each day's travel including same day travel with an inmate or fugitive. Traveling without an inmate or fugitive is 75% of the daily allowance.
    - b. The Corrections Officer or sworn law enforcement officer must submit Part-A of the *Travel Expense Reimbursement 240\_F6*.
    - c. Due to the nature of travel, staff may acquire some meals in high-cost locations, e.g. airports.
    - d. Staff must try to adhere to travel guidelines for lodging limits.
  2. EFU Officers with appropriate detailed zero balance receipts will be reimbursed:
    - a. For meal expenses and lodging for each accompanying Corrections Officer.
    - b. In full for inmate and probationer/parolee meals.
  3. All expenses must be supported by attached original receipts.
- E. Supervisors will conduct a regular review of the expenses in Part A of the *Expense Reimbursement* and will hold EFU Officers accountable for the most efficient expenditures consistent with their public safety responsibilities.

V. Security Considerations

- A. EFU Officers will treat all inmates and probationers/parolees as Security Level S, regardless of their current or prior security classification; see Operating Procedure 411.1, *Inmate Transportation (Restricted)*.
- B. The Transporting Officer must strip search the inmate or probationer/parolee and thoroughly search all clothing the inmate or probationer/parolee will wear on transport, prior to removing the inmate or probationer/parolee from a facility or jail.
- C. When transporting an inmate or a probationer/parolee by automobile, EFU Officers are limited to a driving time of ten hours or approximately 650 miles per day. Under extenuating circumstances, the driving limit may be extended to a maximum of 12 hours per day with the approval of the Major of the Extradition and Fugitive Unit.
- D. When transporting inmates and probationers/parolees, at least one Transporting Officer must be a certified Corrections Officer or sworn certified law enforcement officer of the same gender as the inmate or



probationer/parolee transported.

#### E. Emergencies

1. In an emergency such as illness, injury, death, escape, or hostage taking, the Transporting Officers will immediately request assistance from the nearest law enforcement agency.
2. Once the nearest law enforcement agency is contacted for assistance, the Transporting Officers will notify the Major of the Extradition and Fugitive Unit as soon as practicable who will notify the Security Operations and Emergency Preparedness Administrator's office.
3. The inmate or probationer/parolee transported will be confined in a local jail or state facility until conditions permit the trip to continue.

#### F. Pursuit

1. EFU Officers can pursue an escapee, absconder, or fugitive across county or city lines within the Commonwealth of Virginia but must notify local authorities of the pursuit as soon as possible.
2. If an escapee, absconder, or fugitive crosses the state line while being pursued by EFU Officers, the EFU Officers may cross the state line in close pursuit. However, the EFU Officers, as soon as practicable, must notify that state's law enforcement agency and obtain permission to continue the pursuit.

#### G. Detainment

1. While performing their official duties, EFU Officers may detain, with or without a warrant, escapees, absconders, fugitives, or persons assisting an inmate to escape or a probationer/parolee to abscond within and outside of the Commonwealth of Virginia.
2. Warrantless In-State Detainments
  - a. EFU Officers may detain an escapee, absconder, fugitive, or person assisting an inmate to escape or a probationer/parolee to abscond, without a warrant, provided the EFU Officers have reasonable cause to suspect that the person they intend to detain is an escapee, absconder, fugitive, or someone who has assisted in an escape.
  - b. EFU Officers must display the Virginia Department of Corrections badge.
  - c. Whether or not the detainment is in the county or corporation where the inmate escaped or the probationer/parolee absconded, or in an adjoining county or corporation, the EFU Officers must procure a warrant from the magistrate of the county or corporation where the detainment occurred.
  - d. If time permits, EFU Officers will contact the nearest law enforcement agency and ask for their assistance in detaining the escapee or the person who has assisted the inmate to escape.
3. Warrantless Out-of-State Detainments
  - a. EFU Officers in close pursuit may detain an escapee, absconder, or fugitive provided the inmate escapes or the probationer/parolee absconds within that state while being transported to the DOC as an escapee, absconder, or parole violator, or in the event the EFU Officers enter that state while in close pursuit of the inmate or probationer/parolee.
  - b. If the close pursuit is interrupted, the EFU Officers should notify that state's law enforcement agency as soon as practicable to obtain permission to pursue the inmate.
  - c. EFU Officers display the Virginia Department of Corrections badge.
  - d. When an inmate is detained, the inmate will be brought forthwith to the magistrate or other issuing authority having jurisdiction in the state where the inmate is detained.

#### H. Firearms

1. EFU Officers and the accompanying Corrections Officers are authorized to carry only the firearms and ammunition approved by and belonging to the DOC while transporting an inmate or probationer/parolee; see Attachment 6, *Firearms, Ammunition, and Accessories* to Operating



Procedure 420.1, *Use of Force (Restricted)*.

2. Sworn certified law enforcement officers will carry the firearms and ammunition authorized and issued by their employing agency.

## VI. Reports

- A. Transporting Officers must prepare a detailed *Internal Incident Report (IIR)* and *Incident Report*, as applicable, on the following subjects as soon as possible after the incident; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
  1. Escapes and attempted escapes.
  2. Serious incidents, illness, injury, or death.
  3. Vehicle accidents.
  4. Hostage situations.
  5. Other incidents or problems encountered.
- B. Staff must submit the *IIRs* and *Incident Reports* to the Major of the Extradition and Fugitive Unit who will review the *Reports* and forward them to Security Operations and Emergency Preparedness Administrator.

## REFERENCES

COV §53.1-145, *Powers and duties of probation and parole officers*

Department of Accounts (DOA) CAPP Manual Topic 20335 - Cardinal, *State Travel Regulations*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 240.1, *Travel*

Operating Procedure 411.1, *Inmate Transportation (Restricted)*

Operating Procedure 420.1, *Use of Force (Restricted)*

Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*

## ATTACHMENTS

None

## FORM CITATIONS

*Travel Authorization Request 240\_F1*

*Request to Exceed the Lodging Base Rate 240\_F2*

*Travel Expense Reimbursement 240\_F6*

